



City Council Agenda

Council President
Chris Mathys

Council Members

Garry Bredefeld
Mike Briggs, Acting President
Henry Perea

Sal Quintero
Daniel Ronquill
Ken Steitz

City Manager
Jeffrey M. Reid

City Clerk
Rebecca E. Klisch

City Attorney
Hilda Cant Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, JULY 21, 1998

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS

9:00 A.M. Roll Call

Invocation

Pledge of Allegiance to the Flag

Proclamation of "SHERIFF STEVE MAGARIAN DAY" - Councilmember Bredefeld - Read and presented

Proclamation of "SAN JOAQUIN RIVER PARKWAY CONSERVATION TRUST, INC.'S DAY" - Councilmember Bredefeld - Read and presented

Proclamation of "PRODUCERS DAIRY MONTH" - Councilmember Steitz - Read and presented

Proclamation of "WOMEN'S RIGHTS MONTH" - Councilmember Quintero - Read and presented

Presentation of Resolution recognizing the Fresno Council Office of Education - Councilmember Ronquillo - Read and presented

COUNCIL ACTION OF UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE

SCHEDULING ON A FUTURE COUNCIL AGENDA FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve minutes of June 30, 1998

Action Taken: Approved as submitted

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

TIME SCHEDULED HEARINGS AND MATTERS

9:00 A.M. Presentation of Fresno-Madera County East-West Corridor Study by Council of Fresno County Governments (COG) and consideration of Council direction

a. Deletion of Alternative 2 - Councilmember Bredefeld

Action Taken: Continued to 7/28/98 at 9:30 a.m. for consideration

9:10 A.M. RESOLUTION - Recognizing the Fresno County Office of Education and the Fresno County Board of Education - Councilmember Ronquillo

Action Taken: Moved to ceremonial items

9:30 A.M. HEARING to consider Rezoning Application No. 98-12, filed by James Evans and Jesse Bartlett, for a 19,500 square foot parcel on the south side of E. Pine Avenue to the east of the Freeway 168 right-of-way

Action Taken: Held

A. BILL - Amending the Official Zone Map from the R-3 and R-1 zone districts to the M-1 zone district

Action Taken: Bill No. B-54, Ordinance No. 98-52 adopted

9:45 A.M. Direct City Controller to provide a full report to Council regarding the City's recent bond rating reduction by Standard and Poor. Report to Council by July 28, 1998 meeting. Report to include: (Councilmember Perea)

A. Specific financial actions or lack of actions that brought us to this point; and

B. Strategy to restore City's favorable bond rating

Action Taken: Direction made, Return with additional report on 8/18/98

10:00 A.M HEARING to approve assessments for costs incurred by the City of Fresno for weed discing, trash and debris removal and code enforcement actions for fiscal years 1996 and 1997

Action Taken: Held

A. RESOLUTION - Relating to the cost and assessment for public nuisance, weed abatement and code enforcement actions for fiscal years 1996 and 1997

Action Taken: Resolution No. 98-200 adopted

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED:

10:15 A.M. - 10:30 A.M. RECESS

10:30 A.M. HEARING to consider the adoption of a resolution to vacate a portion of S. West Avenue at the southwest corner of West and Kearney Avenues - R.I. 1003-D

Action Taken: Held

* A. RESOLUTION - Ordering the vacation of a portion of S. West Avenue at the southwest corner of West and Kearney Avenues

Action Taken: Resolution No. 98-201 adopted

10:45 A.M. Direct staff to conduct a study and provide a report for implementation of Grand Jury safety recommendations approved by the Grand Jury on April 7, 1998. Modifications to include: (Councilmember Perea)

A. Eliminate left turns from Shaw Avenue onto Santa Fe Avenue

B. Eliminate right turns from Santa Fe Avenue onto Shaw Avenue

C. Reconstruct the Santa Fe Avenue and Shaw lane intersection; and

D. Improve Santa Fe Avenue and Shaw Avenue to four lanes

Action Taken: Direction denied

10:50 A.M. Support the 1998-1999 Fresno County Grand Jury recommendation to conduct an investigation into why the consolidation proposal to relocate the BNSF railroad tracks to the Union Pacific railroad tracks located near Highway 99 has been delayed - Councilmember Perea

Action Taken: Removed from agenda

11:00 A.M. HEARING to consider the adoption of a resolution to vacate portions of the Herndon Avenue Frontage Road between Harrison and Ingram Avenues, and portions of Atlanta, Boston, Hope and Ingram Avenues, northwesterly from the intersection of Herndon and Ingram Avenues - R.I. 1014-D

Action Taken: Held

* A. RESOLUTION - Ordering the vacation of portions of the Herndon Avenue Frontage

Road between Harrison and Ingram Avenues, and portions of Atlanta, Boston, Hope and Ingram Avenues northwesterly from the intersection of Herndon and Ingram Avenues

Action Taken: Resolution No. 98-202 adopted

2:00 P.M.#1 DISCUSSION OF CONTESTED CONSENT ITEMS (IF ANY)

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED:

2:00 P.M.#2 CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -
Government Code Section 54956.9, Subdivision (a)

1. Case Name: Lewis vs. City of Fresno, USDC No. CV-F-97-5166 REC/DLB
2. Case Name: Pete Seeley vs. City of Fresno, et al.
3. Case Name: Family Alliance for the Mentally Ill, (FAMI), et al. vs. City of Fresno, et al.;

USDC No. CV-F-96-5349 OWW DLB

4. Case Name:

- a. County vs. City vs. County (Parking Fines Case), Sup. Ct. No. 502123-3; CA# 5-5872
- b. City vs. County vs. City (AB 1290), Sup. Ct. No. 545904-5; CA# 16-7213
- c. County vs. City vs. County (CSA 48), Sup. Ct. No. 560663-7; CA# 16-7283
- d. City vs. County (Boot Camp); SC# 566895-9; CA# 16-7307
- e. County vs. City (Roeding Park II), Sup. Ct. No. 571200-5; CA# 16-7328
- f. County vs. City (Roeding Park III), Sup. Ct. No. 573647-5; 4-7341

Action Taken: Held

2:30 P.M. HEARING to consider the proposed annual assessments for Landscaping & Lighting Maintenance District No. 1

Action Taken: Held

A. RESOLUTION - Approving the Engineer's Report and levying annual assessments for Landscaping and Lighting Maintenance District No. 1

Action Taken: Resolution No. 98-208 adopted

3:00 P.M. HEARING regarding City of Fresno Community Facilities District No. 2 - Annexation No. 5

Action Taken: Held

A. RESOLUTION - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken: Resolution No. 98-209 adopted

B. RESOLUTION - Calling a special mailed-ballot election relating to Community Facilities District No. 2, Annexation No. 5

Action Taken: Resolution No. 98-210 adopted

C. RESOLUTION - Declaring election results relating to Community Facilities District No. 2, Annexation No. 5

Action Taken: Resolution No. 98-211 adopted

* D. BILL - Levying a special tax for the property tax year 1999-2000 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 5, City of Fresno, California

Action Taken: Bill No. B- 58, Ordinance No. 98-55 adopted

1A. GENERAL CONSENT CALENDAR:

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.#1)

1. Approve appointment of Rich Marr to the Workforce Development Board (for adoption) - Councilmember Perea

Action Taken: Adopted

2. Approve appointments of Matthew W. Kennedy and Brad Fitzhenry to the Tower District Implementation Committee (for adoption) - Councilmember Ronquillo

Action Taken: Adopted

3. Award a contract for Fresno Yosemite International (FYI) Airport FAR Part 150, Noise Compatibility Program, Sound Mitigation Acoustical Remedy Treatment (SMART), Phase IV, Bid Group #8 (50 homes), AIP Program No. 3-06-0087-26

Action Taken: Awarded to Tran Construction, Inc./\$759,000.00

4. Authorize the City to renew an existing agreement with the State Center Community College District (SCCCD) to provide contract instructions to meet the ongoing educational needs of the Fresno Police Department

Action Taken: Authorized

* 5. RESOLUTION - 3rd amendment to AAR No. 98-159 appropriating funds to provide technical adjustments to the FY 99 Budget (Requires 5 affirmative votes)

Action Taken: Resolution No. 98-203 adopted

6. Proposed appointment of Robert Wilson to the Apartment Vacancy Task Force Committee - Councilmember Bredefeld (for introduction)

Action Taken: Laid over one week

7. RESOLUTION - Authorizing the filing of an application for transit funds to the U.S. Department of Transportation - Federal Transit Administration

Action Taken: Resolution No. 98-204 adopted

8. RESOLUTION - Authorizing the Chief of Police to submit all relevant information required by the Office of Criminal Justice Planning and to sign and approve the Grant Award Agreement to receive \$105,000 to undertake the Violence Against Women Law Enforcement Specialized Units Program

Action Taken: Resolution No. 98-195 adopted

9. Proposed appointment of Floyd Harris, Jr. to the Edison Southwest Advisory Committee - Councilmember Ronquillo (for introduction)

Action Taken: Introduced/laid over

* 10. RESOLUTION - 1st amendment to AAR No. 98-159 appropriating \$8,800 obtained through a grant from the State of California Department of Toxic Substance Control (Requires 5 affirmative votes)

Action Taken: Resolution No. 98-196 adopted

1A. GENERAL CONSENT CALENDAR ITEMS CONTINUED:

* 11. RESOLUTION - 2nd amendment to AAR No. 98-159 appropriating \$4,300 obtained from American Ambulance for First Responder fees (Requires 5 affirmative votes)

Action Taken: Resolution No. 98-197 adopted

12. RESOLUTION - Authorizing the purchase of two (2) replacement dump trucks for use by the Public Works Department without advertised competitive bidding under the sole source exception

Action Taken: Resolution No. 98-198 adopted

13. Approve a Professional Service Agreement with Brooks and Associates for asbestos inspection services for the Fresno Police Headquarters HVAC Remodel Project

Action Taken: Approved

14. Approve acquisition of pedestrian easement, APN 436-181-23 (Acapulco Restaurant)

Action Taken: Approved

15. RESOLUTION - Of Intention to annex Tract No. 4796 to the City of Fresno Community Facilities District No. 2, Annexation No. 7 and setting the public hearing for August 25, 1998 at 2:30 p.m.

Action Taken: Resolution No. 98-199 adopted

16. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4736, Phase I of Vesting Tentative Tract No. 4736/UGM 569, a 125-lot single-family residential subdivision of 27.90 acres, located on the east side of N. Chestnut Avenue between E. Teague and E. Nees Avenues

Action Taken: Laid over one week

17. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4823, Phase II of Vesting Tentative Tract No. 4736/UGM 569, a 122-lot single-family planned development residential subdivision with two outlots for private street and open space on 29.32

acres, located on the southeast corner of N. Chestnut Avenue and E. Teague Avenues

Action Taken: Laid over one week

18. RESOLUTION - Approving Final Map and Subdivision Agreement for Tract No. 4570, Phase I of Vesting Tentative Tract No. 4570/UGM 563, a 72-lot single-family residential subdivision on 19.44 acres, located on the northwest corner of E. Church and S. Sunnyside Avenues

Action Taken: Laid over one week

19. Approve Lease Amendment No. 1 between the City the Fresno and Michael Romano Construction, Inc. dba Romano Aviation

Action Taken: Approved

20. Approve Lease Modification/Supplement No. 001 to the United States Department of Transportation Lease No. DTFA08-95-L-14611 precision approach path indicator (PAPI) at Chandler Airport

Action Taken: Approved

21. Approve the Scheduled Airline Month-to-Month Tenancy and Operations Agreement between the City of Fresno and Mesa Airlines, Inc.

Action Taken: Approved

1B. CONSENT CALENDAR - BILLS FOR INTRODUCTION - PINK TABS

1. BILL - Amending the Official Zone Map: Modification to approved Ordinance Bill for Rezoning Application No. R-98-06, filed by George Aguilar, to rezone from the R-1 to the R-P zone district, for property located on the west side of N. First Street between E. Shaw and N. Barstow Avenues

Action Taken: Bill No. B-55 introduced/laid over

2. Text Amendment No. TA-97-10, proposing a change to Section 12-306-N-39 of the Fresno Municipal Code relating to measuring the 300-foot separation between an automatic car wash and a residential neighbor

* A. BILL - Amending Section 12-306-N of the Fresno Municipal Code relating to development criteria for automatic car washes (Alternative No. 1)

Action Taken: Bill No. B-56 introduced/laid over

* B. BILL - Amending Section 12-306-N of the Fresno Municipal Code relating to development criteria for automatic car washes (Alternative No. 2)

Action Taken: Bill No. B-57 introduced/laid over

2. PLANNING AND ZONING ADMINISTRATION

3. GENERAL ADMINISTRATION

* A. BILL NO. B-42 (INTRO. 6/30/98) - relating to the Post Retirement Supplemental Program for Employee Retirement System

Action Taken: Ordinance No. 98-53 adopted

B. Text Amendment No. TA-98-01:

* 1. BILL NO. B-43 (INTRO. 6/30/98) - Amending the Fresno Municipal Code relating to the establishment of Urban Growth Management (UGM) process and regulations applicable thereto

Action Taken: Ordinance No. 98-54 adopted

C. RESOLUTION - Authorizing the Director of Public Works to negotiate the terms of, approve, and execute all documents necessary to complete the purchase and acquisition of permanent and construction easements within or contiguous to the Grantland Avenue right-of-way between Herndon and Jensen Avenues

Action Taken: Resolution No. 98-205 adopted

4. CITY ATTORNEY

5. CITY COUNCIL

A. Direct staff to install "NO PARKING" signs that would prohibit parking on Liberty Hill Avenue from 10:00 p.m. to 6:00 a.m. from Perrin to the end of the new Liberty Hill Park - Councilmember Bredefeld

Action Taken: Direction approved

B. Direct staff to expand the boundaries of the Tower District Commercial Rehabilitation Program Area to include all of Olive Avenue from Blackstone to Fruit Avenues from Olive to Highway 180 - Councilmember Briggs

Action Taken: Direction approved

5. CITY COUNCIL CONTINUED

C. Approve lease of property at the southwest corner of E. Olive and N. Van Ness Avenues to Matt Kennedy for the purpose of developing a public parking lot for Tower District patrons - Councilmember Briggs

Action Taken: Staff directed to negotiate a lease and report back with funding source

D. Direct staff to establish a policy regarding credit card charges which will include a limit of \$10,000 per transaction - Councilmember Steitz

Action Taken: Laid over to 8/18/98

E. Appoint commission that will review funding of each social service request and provide recommendation for funding in each fiscal year, prior to the budget hearing on a yearly basis - Councilmember Bredefeld and Council President Mathys

Action Taken: Approved

1. Direct the City Manager to provide Council with fiscal impact for the purpose of administering a volunteer social services commission consisting of two appointments from each Councilmember. (Commission cannot include members, staff or employees of non-profits applying for City funding)

Action Taken: Approved

F. Determination to hold a public hearing to review the Fresno City Planning Commission's

action on Conditional Use Permit Application No. C-98-077 relating to an application by the Fresno Re-entry Center, Inc., for a 15-bed residential support facility on a site located at 2325 South "G" Street - Councilmember Ronquillo

Action Taken: Hearing set for 8/18/98 at 5:00 p.m.

G. Direct staff to install a stop sign on Cole Avenue between Millbrook Avenue and First Street - Councilmember Bredefeld

Action Taken: Staff to conduct warrant study

H. Direct staff to expand the boundaries of the Ventura and Kings Canyon Commercial Rehabilitation Program Boundaries Streets to include Butler from East Avenue to Winery, and Kings Canyon from Chestnut to Peach, and Maple Avenue from Butler to Kings Canyon and 7th Street south from Ventura one block, Chestnut from Butler to Kings Canyon - Councilmember Quintero

Action Taken: Direction approved

I. Request update on the Public Utilities Solid Waste Division's six-month pilot program to gather information on green waste diversion and the use of dual-collection containers and testing of radio frequency identification technology - Councilmember Quintero

Action Taken: Request made; staff to report back

J. Direct staff to prepare a feasibility and cost study related to returning Fulton and Van Ness Streets back to two-way traffic - Councilmember Ronquillo

Action Taken: Staff directed to report back with costs for proposed study

6. CITY/COUNTY INTERGOVERNMENTAL RELATIONS

* A. RESOLUTION - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Behymer-Chestnut No. 3 Reorganization

Action Taken: Resolution No. 98-206 adopted

* B. RESOLUTION - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Behymer-Maple No. 2 Reorganization

Action Taken: Resolution No. 98-207 adopted

7. UNSCHEDULED ORAL COMMUNICATIONS - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July 28 - 9:00 A.M. Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter (Reception immediately following - 2nd Floor Foyer)

July 28 - 9:30 A.M. Presentation by Council of Fresno County Governments (COG) re: to the Regional Transportation Plan

July 28 - 9:45 A.M. Appeal on the determination of Historic Preservation relating to the Guarantee Savings Building

July 28 - 10:00 A.M. CONTINUED HEARING re: Family Alliance for the Mentally Ill (FAMI)

July 28 - 10:30 A.M. CONTINUED HEARING re: PA No. 98-06, filed by Sam Lucido

July 28 - 10:45 A.M. Presentation by Francois Nion, JC Decaux regarding automated public restrooms on Fulton Mall - Council President Mathys

July 28 - 11:00 A.M. Report from City Attorney re: Fresno City Employees Health and Welfare Trust - Councilmember Quintero

July 28 - 11:30 A.M. Discussion of service agreement with the Fresno Mosquito and Vector Control District -Council President Mathys

July 28 - 11:45 A.M. HEARING on TA 97-10 - development criteria for auto car washes

July 28 - 2:15 P.M. BILL amending FMC providing for a five-year vesting period in the employment Retirement System

July 28 - 2:30 P.M. HEARING on Community Facilities District No. 2 - Annexation No. 6

July 28 - 2:45 P.M. Update/status report on multipurpose stadium - Councilmember Perea

July 28 - 3:00 PM - 3:30 PM RESERVED FOR 4 REDEVELOPMENT AGENCY ITEMS

Aug. 4 - NO MEETING - COUNCIL VACATION

Aug. 11 - NO MEETING - COUNCIL VACATION

Aug. 18 - 9:30 A.M. HEARING - to consider adoption of a resolution amending conditions of approval for the vacation of various rights-of-way within areas bounded by Tulare, "H" Street, Inyo and Fulton-Broadway Plaza alley - R.I. 984-A

Aug. 18 - 10:30 A.M. HEARING on PA No. 98-10, Rezone Appl. N0. 98-13, filed by Robert Carter

Aug. 18 - 5:00 P.M. HEARING to review P.C.'s action on CUP No. C-98-077, Fresno Reentry Center, Inc.

Aug. 18 - 5:30 P.M. CONTINUED HEARING on consideration of bills relating to advertised structures (billboards)

Aug. 25 - 2:30 P.M. HEARING re: Community Facilities District No. 2, Annexation No. 7

Aug. 25 - 6:30 P.M. Joint meeting with the Planning Commission

Sept. 1 - NO MEETING - COUNCIL VACATION

Sept. 8 - NO MEETING - COUNCIL VACATION

